PRESERVATION OF WILDERNESS AREAS

FRIDAY, MAY 5, 1972

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to notice, in room 3110, New Senate Office Building, Hon. Frank Church (chairman) presiding.

Present: Senators Church (presiding) and Allott.

Staff present: Jerry Verkler, staff director; Porter Ward, professional staff member; and Charles Cook, minority counsel.

Senator CHURCH. Ladies and gentlemen, this is the time duly noticed and set for an open hearing by the Senate Subcommittee on Public Lands on legislation which would designate various additional areas for the Wilderness Preservation System. The areas involved are located on national wildlife refuges, national parks, and national forests. The areas under consideration in S. 2453 are: Farallon National Wildlife Refuge, Calif.; Chamisso National Wildlife Refuge, Alaska; National Key Deer Refuge, Great White Heron National Wildlife Refuge and Key West National Wildlife Refuge, Fla.; Simeonof National Wildlife Refuge, Alaska; Izembek National Wildlife Refuge, Alaska; West Sister National Wildlife Refuge, Ohio; Breton National Wildlife Refuge, La.; Isle Royale National Park, Mich.; Sequoia and Kings Canyon National Parks, Calif.; North Cascades National Park, Wash.; and Shenandoah National Park, Va.

Other measures to be considered here today are: S. 1198, Indian Peaks Wilderness, Colo.; Flat Tops Wilderness, Colo.; S. 3119 and H.R. 736 (House passed bill), the Cedar Keys National Wildlife Refuge, Fla.; S. 3120, the National Key Deer Refuge, Great White Heron National Wildlife Refuge, and Key West National Wildlife Refuge, Fla.: S. 2539 and amendment No. 1164, Isle Royale National Park, Mich.; S. 2158 and S. 3541, Shenandoah National Park, Va.

The areas encompassed in these bills approximate 1,869,725 acres.

Due to the large number of witnesses appearing here today to present testimony on these legislative proposals, I will ask each of you to limit your remarks to not more than 5 minutes, and then to submit your full statement for the record where it will appear as if read. Also in the interest of saving time we have grouped witnesses into panels as indicated on the witness list. If you wish to testify on more than one area do so while you are at the witness table. Please keep in mind the 5-minute limitation. If there is anyone that would

STATEMENT OF HON. FRANK CHURCH, A U.S. SENATOR FROM THE STATE OF IDAHO

Senator CHURCH. As we begin this hearing, I want to take just a few moments to reflect on the broader questions that will be involved as we discuss these individual wilderness proposals.

Before us today are wilderness proposals involving all three agencies which have a part of the wilderness review program. Each agency has approached its job of wilderness studies on the basis of its own history and policies, from its own perspectives. Thus, it is not surprising that we find some differences in how their results come out in these proposals.

But I want to stress that we are operating here under the same governing statutory direction, the Wilderness Act of 1964. This act is the common denominator. I want to take a careful look as we proceed to see that the policies of these three agencies are consistent with each other and are consistent, overall, with the intent of Congress embodied in the 1964 Wilderness Act.

That act was an historic piece of legislation, one of the most important enacted in recent decades in the field of public land administration. That is how I described the act in 1961 when it was my great privilege to carry the wilderness bill on the Senate floor as floor manager, at a time when the then committee chairman, Clint Anderson, was hospitalized. We had a good debate that day on the wilderness bill, as we had through all the years of preparing the bill, with the personal help of the former committee chairman, James Murray and of Clint Anderson, as well as the active participation of Senator Jackson, Senator Neuberger, and Senator Allott.

Much important detail was covered in that long legislative history, some of which is essential to give us guidance today as we consider the wilderness policies of these agencies as reflected in the proposals before us.

Let me raise some specific points that are quite important:

I note that in national park wilderness, the Department of the Interior maintains that an area under established and authorized grazing use is not, as a matter of blanket policy, considered suitable for wilderness. I am at a loss to find a justification for that policy in the Wilderness Act. On this point, the legislative history is very clear. On the floor of the Senate, in 1961, I offered a committee amendment, which carried unanimously, to make it absolutely clear that established grazing may continue within national park or wildlife refuge wilderness. My 1961 amendment was expressly for the purpose of clarifying, in the legislative history, that the special allowance for continuing established grazing within designated wilderness as well as national forest wilderness. As I said on the Senate floor: "Such grazing as presently exists may continue as before. It is not affected by the bill—the bill expressly provides that any restrictions that may apply in a wilderness area are made subject to existing rights." (Congressional Record, daily edition, September 5, 1961, page S. 15922).

By the same token, I offered an amendment to make it clear that [illegible] of motorboats or the landing of aircraft, where previously

established, could continue within national park wilderness, as well as within national forest wilderness. In that regard, I then said this: "It is my feeling, and I think the feeling is shared by most members of the committee—that there is no reason to confine the stated exception to wilderness areas which are carved out of national forests." (*ibid*, page S 16965). And that clarifying amendment passed the Senate by a voice vote. Yet I understand that the Park Service does not recommend grazing lands as wilderness and does not intend to recommend the surface of Crater Lake or of Yellowstone Lake as wilderness. These exclusions are not mandated, in any sense, by the Congress.

Now, we have a grazing area exclusion in one of the proposals before us today, the proposed wilderness for Kings Canyon National Park. There is no reason in law for that exclusion.

Now, we see that the National Park Service is, again, as a matter of blanket policy, setting the boundaries of its proposed wilderness units back from the edge of roads, developed areas and the park boundaries by "buffer" and "threshold" zones of varying widths. There is no requirement for that in the Wilderness Act. No other agency draws wilderness boundaries in this way, which has the effect of excluding the critical edge of wilderness from full statutory protection. The Wilderness Act calls for the designation of suitable wild lands which are of wilderness "character." This term "wilderness character" applies only to the immediate land involved itself, not to influences upon it from outside areas. This point was specified precisely in an early amendment to the wilderness bill, which at one time used the alternative term "Wilderness environment." On July 2, 1950, the then chairman of the Interior Committee introduced S. 3809 as amended, "clean bill" version of the wilderness bill. One of the amendments embodied there was the change from the term "wilderness environment" in the act's definition to the term "wilderness environment" in the act's definition to the term "wilderness character." Senator Murray explained this amendment, and I quote: "The word 'character' is substituted because 'environment' might be taken to mean the surroundings of wilderness rather than the wilderness entity." (Congressional Record for July 2, 1960.) What this amendment made clear is that the suitability of each acre of possible wilderness is to be ascertained on the basis of that wilderness entity, not on the basis of insubstantial outside influences. Sights and sounds from outside the boundary do not invalidate a wilderness designation or make threshold exclusions necessary, as a matter of law.

On the same point, I note that, for example, wide swaths of land are excluded from wilderness adjacent to the Generals Highway in Sequoia National Park. Yet, I find no plans for any new development in that area in the recently-approved park master plan. So I fail to see the reason for excluding these wild lands, the critical fringes of the wilderness, while there would seem to be good reason for putting them within the full protective boundary of the designated wilderness.

In the absence of good and substantial reasons to the contrary—

areas within national parks should embrace all wild land. There is no lawful policy basis for massive exclusions of qualified lands on which no development is planned. I can appreciate the interest of any agency in not surrendering their full administrative discretion over such areas, to build and develop or not to build and develop, but that is what the Wilderness Act mandates the National Park Service to do. This is not out of any suspicion or concern for Park Service stewardship, but because we in the Congress recognized the pressures that would face the national parks, and provided in the Wilderness Act the statutory basis for strengthening the protective hand of the National Park Service.

I am especially concerned about the nonwilderness "enclaves" which seem to pepper all of these national park wilderness proposals. There are more than 30 separate Swiss-cheese-like enclaves within Sequoia and Kings Canyon National Parks. I find no convincing rationale for this practice.

As one who was intimately involved in fashioning the Wilderness Act, I want to assure the National Park Service and the Department of the Interior that the Wilderness Act was not deliberately contrived to hamstring reasonable and necessary management activities.

First, I call your attention to the important and often neglected distinction between the definition of wilderness suitability, which is found in section 2(c) of the Wilderness Act and the provisions governing management of an area of wilderness once designated, which are found in the various subsections of section 4 of the act. It was not the intent of Congress that the section 4 management provisions be applied as criteria and standards for adding an area to the National Wilderness Preservation System. The test of suitability of an area for wilderness designation is simply and solely in the definition of wilderness in section 2(c), which is a reasonable, flexible definition, resting basically on a balancing judgment of the imprint of man's work being "substantially unnoticeable" within the proposed wilderness entity.

There is much confusion on this point which has led to some policies about what can or cannot be designated "wilderness" which are simply not consistent with the clear intent of the Congress as we on this committee spelled it out, and it is reflected in the abundant legislative history I am citing this morning. For instance, many of these so-called wilderness enclaves are based on assumptions and policies of the Department of the Interior which are not in conformance with the directives and intent of the Congress. I will want to exercise close scrutiny of these proposals to assure that the correct and accurate intent of the Wilderness Act is fulfilled as we add the additional areas.

Now, returning to the matter of the enclaves, it is apparently argued that they are necessary because whatever facilities are within them—or planned to be placed within them—would not be permissible within a wilderness area under the terms of the Wilderness Act. That interpretation of the act is simply in error.

Section 4 of the Wilderness Act says:

within any wilderness areas designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this act—including measures required in emergencies involving the health and safety of persons within the area—there shall be no temporary road, no use of moror vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport and no structure or installation within any such area.

First, let me say that this provision applies equally to all areas designated as wilderness, not just to the original Forest Service areas covered in by the 1964 act itself.

Second, note that these prohibitions of uses specifically exempt the situation of existing private rights. We had a lot of debate on that point during formulation of the wilderness bill. Senator Allott, in particular, wanted our intent in this respect to be very clear. What the act intends and contemplates is that small private inholdings, mineral claims, grazing areas and the like, which constitute established private rights or privileges may be encompassed within the boundaries of a wilderness area, and need not be specially enclaved or otherwise segregated from the wilderness area within which they lie. To the degree that prohibitions in the Wilderness Act would infringe the exercise of the private right, they are exempted from the control of those prohibitions by virtue of the controlling phrase that these prohibitions are "subject to existing private rights." Thus, the private mineral claims and other private inholdings, as well as the grazing areas within these proposed park wilderness units may be designated now, without further complication as encompassed within the wilderness—this applies to mineral claims in the North Cascades, the grazing area in Kings Canyon, the various life-tenure private rights in Isle Royale and similar situations. Upon termination of these various private rights, the land will already be a part of the wilderness within which it lies, with no need for further procedures or legislation. I would point out that this is the way the Forest Service routinely handles inholdings within its wilderness areas, and the same practice should be used for park and refuge areas.

Now, there are also a variety of these enclaves set aside to contain various sorts of management facilities in park and refuge wilderness. For example, there are 22 enclaves, nine acres each, for telemetering precipitation measuring equipment in Sequoia and Kings Canyon, and there is an enclave within the wilderness at Simeonof National Wildlife Refuge, 131 acres in size, to allow occasional landings of aircraft for management purposes. Now, I call your attention to the phrase in the prohibition of uses in section 4 of the Wilderness Act which states "except as necessary to meet minimum requirements for the administration of the area for the purpose of this act" such uses are prohibited.

This provision fully allows for necessary management functions to occur within wilderness, without need for exclusionary enclaves. We intend to permit the managing agencies a reasonable and necessary latitude in such activities within wilderness where the purpose is to protect the wilderness, its resources and the public visitors within the area—all of which are consistent with "the purposes of the act."

This provision allows for necessary minimum sanitation facilities

various fire protection necessities, such as fire towers, helispots and fire rings in primitive camps. It allows for the development of protected potable water supplies. All of these elements of management activity are permissible within designated wilderness, if kept to the minimum "necessary to meet minimum requirements for the administration of the area." The issue is not whether necessary management facilities and activities are prohibited; they are not—the test is whether they are in fact necessary. Nothing in the act of the legislative intent requires or forces the National Park Service or the Bureau of Sport Fisheries and Wildlife to carve out these kinds of nonwilderness enclaves—not for snow gauges and telemetering equipment, not for fire lookouts, not for ranger patrol cabins, not for pit toilets or other minimum sanitary facilities, not for helispots or provision for occasional landing of management aircraft, not for provision of necessary potable and protected water supply, not for necessary and minimum facilities for fish and wildlife management, such as watering holes, guzzlers, fish traps, not for trailside shelters if of a primitive kind and reasonably necessary to serve the purposes of the wilderness area—as opposed to simply for the comfort and convenience of park visitors.

In summary, the concept of nonwilderness enclaves, at least as embodied in these proposals, is undesirable, dangerous, inconsistent with the letter and intent of the Wilderness Act, and altogether unjustified. It may be that we will eventually see a need for such an interior exclusion in some future proposal, but for the kinds and types of facilities and uses I have mentioned, I find no justification for such enclaves at all.

Now, in these comments I have tried to present the legislative intent and legislative history behind the Wilderness Act as I know it. As one who went through the unusually long, unusually-detailed evolution of that historic act, I have a great personal interest and a deep pride in it as a landmark element of our national land policy. I do not—and I think this committee does not, want to see the promise of a truly diverse National Wilderness Preservation system cut short by unnecessarily restrictive policies.

We are now well into the 10-year period of review established by the Wilderness Act. We have already added more than 30 new units to the wilderness system since 1964. Those individual additions, together with the original areas included directly by the 1964 act, provide a wealth of guiding precedents to help us interpret and apply the act in a positive, constructive, flexible manner. The legislative history, too, provides guidance as to the intent of the Congress. It is my hope that through these hearings, as we discuss these specific matters in the context of these proposals, we can come to the understandings that will help in the promise of the Wilderness Act "secure for the American people of present and future generations the benefits of an enduring resource of wilderness."

Senator Allott, did you have a statement that you wanted to make?

Senator ALLOTT. Yes, I do have, Mr. Chairman. First of all, I would like to ask that my statement and my remarks appear in the record immediately following yours.

removal of such devices from an area designated as wilderness. If so, their policy is out of line with the intent of Congress. The Wilderness Act, while prohibiting "motorized equipment" and "installations" in wilderness, makes that prohibition subject to the exception that such items may be located within wilderness—national forest, national park and national wildlife refuge wilderness—as "necessary to meet minimum requirements for the administration of the area," which would include such necessary installations. If the Forest Service or the Park Service were to refuse such equipment, where essential and as unobtrusive as can be, they would be encouraging a "purity" backlash against the Wilderness Act which would be most unnecessary.

I for one don't want to see this kind of idea related to such management devices that are really unobtrusive and are the minimum necessary for the necessary management of the area to become an excuse for an administrative interpretation of the act that if carried to the extreme could be a deliberate campaign to undermine the intent of Congress. I don't understand why the English language fails so badly to convey the meaning of the clear words of the statute or why agencies feel so constrained to write the law themselves, because for reasons of their own they prefer not to follow the clear intent of the law.

I don't think that is up to the agency; I think it is the usurpation of discretion, and it is beyond the rightful place of any agency to torture the language of the law in this way.

For reasons known best to the agency they prefer to manage wilderness in a way different than from the way spelled out in the law. I am not going to approve these bills that don't conform with congressional intent, that is all there is to it. They are not going to pass this committee. I don't care whether it is the Forest Service or any other service, all of the services are subject to the law and we have got just one law and one criteria set up and that is the Wilderness Act.

All right. Mr. Secretary, let us go on with your statement.

STATEMENT OF HON. NATHANIEL REED, ASSISTANT SECRETARY OF INTERIOR—Continued

Mr. REED. Mr. Chairman, let me reiterate what I went into this morning. The testimony I am about to read to you was prepared just a few moments before your statement this morning.

The National Park wilderness proposals that we are considering today have been subject to considerable debate in the last few months, and even years, and I might say that the solutions to the differences of opinion have not yet been found. The reasons for this debate have not yet been found. The reasons for this debate have not been so much a difference in how we propose to use the wilderness as it is a difference in the interpretation of the Wilderness Act and the management prerogatives it provides. This conflict of interpretation has resulted in our development of enclaves around certain kinds of management facilities such as fire towers, patrol cabins, snow gages, and camp sites. We have also delineated buffer zones along the edge of proposed wilderness areas where they abut nonwilderness lands.

Before I begin our discussing the individual wilderness proposals, I would like to discuss each one of these subjects with this committee and explain the conditions under which we think most of these facilities can be included in the wilderness area.

Conditional additions to wilderness.

There are areas which because of nonFederal ownership—permitted use—adjacent land problems—or other reasons do not, in our opinion, qualify for wilderness today. We anticipate changes in the future, which may not be in our authority to guarantee, that would result in the lands qualifying for wilderness and we would wholeheartedly endorse their inclusion at that time. In order to save Congress, the administration, and the people from the long and expensive process of coming back the legislative route to make these additions in the future, we believe that their addition could be included in the basic legislation establishing the wilderness, conditional upon a specific future event, such as the termination of a life estate or grazing permit, the acquisition of an inholding, etc.

Snow gauges—hydrographic data measuring devices.

Wherever high country wilderness exists, snow gauges are going to be a problem. There is no question that they are needed and important to provide the best water management data possible. Good water management is environmentally important, and I support it strongly. However, this is not usually a matter of administrative importance in the wilderness areas themselves. The data for these gauges is needed to manage the water farther downhill. Therefore, under the language of the Wilderness Act, these gauges don't easily qualify as being needed for administration of the area.

Senator CHURCH. Let us just look at that for a minute. I think that is a very forced interpretation. The area—the gauges are placed in the area in the first place, because the area is right for that purpose, and the area as part of the watershed effects all of the land below it. all of the land below it.

Therefore you can't administer that area without taking into reasonable account its impact on other land. The snow up there is going to melt and in my experience when the snow melts the water goes downhill and effects all of the land. If you are going to administer the upland, one of the things you must consider is the depth of the flow and one of the reasons for putting in a gauge is to determine that. That is a part of the proper management of the area.

Mr. REED. I have no problems with that, Mr. Chairman, I think I get there in another page.

Senator CHURCH. Okay.

Mr. REED. The science of water management and data collection is, of course, growing rapidly. I suspect it will not be too long before the old pole and crossbar gauges read by a man on skis or a helicopter will be a thing of the past, and we will have fully automatic gauges that transmit data on snow depth, density and wetness via satellite daily to computers in our central cities, which in turn automatically adjust the gates on dams and canals.

With that kind of equipment, we may not need even as many gauges as we have today.

In the meantime, the Park Service has a management responsibility for wilderness areas in National Parks, and they quite properly

want to limit any increase in the number of snow gauges in the wilderness areas.

Because the gauges' administrative function is off the area, and because of the need to prevent future additions, the Park Service has drawn a 9-acre enclave around each existing snow gauge and excluded it from wilderness.

Unfortunately, this has some drawbacks. It limits management flexibility in relocating snow gauges if, say, one modern gauge (in a new location) could take the place of 3 old gauges. It also leaves a 9-acre hole in the wilderness if a gauge is removed at some future time. In addition, there is no legislative mandate that these enclaves be managed as wilderness.

As far as the National Wilderness System in toto is concerned, we do not have consistent direction on this issue. In some areas in national forests, snow gauges are treated as allowed nonconforming uses and included in wilderness; in other areas they are excluded.

Mr. Chairman, this committee may want to consider how these snow gauges should be handled in wilderness areas, and we would be most interested in any guidance you would offer.

Senator CHURCH. Mr. Secretary, I tried to offer that guidance.

Mr. REED. I got it loud and clear, Mr. Chairman.

If it is made a matter of record that existing snow gauges would be acceptable under section 4 of the Wilderness Act, we would then have no objection to reconsidering the excluded areas for wilderness designation.

Senator CHURCH. You know why I am worried about this. If you have a little snow gauge there and 9 acres all around it, and you say we are going to exclude 9 acres out of the wilderness because of the snow gauges, I can see some eager beaver planner come up some day and say what we are going to need up there in that 9 acres is some elaborate motel, or golf course, or some facility to take care of the pressing numbers of people that visit the area.

And that 9 acres, out of the reach of Congress, not subject to the wilderness bill, is available for such development as the agency may in its infinite wisdom prescribe in the future.

I, for example, would not want to plug these big holes in the wilderness area and leave it up to some developer who may want to decide they want to go up there at sometime in the future.

Mr. REED. Mr. Chairman, I have no problem with that. The administrators have foreseen the day, without your guidance, as indicated in the legislative history, that they would have been prevented from placing a data collection gauge, which might be of infinite use, in this system. If indeed, these collection devices are part of an administration function of that area, I see no problem.

Senator CHURCH. If we should have anything further, such as a court action, please come back to this committee and if I am still here we will amend the law.

Mr. REED. Fine, sir.

Our proposals also place unmanned as well as manned firetowers and patrol cabins in enclaves. We consider these facilities to be essential to the safety and well-being of wilderness travelers, as well as necessary to protect the wilderness resources, and as such they may be allowed within section 4 of the Wilderness Act of 1964.

However, there is some question about this interpretation and therefore, we have placed these facilities in enclaves.

We would have no objection to including them in the wilderness if this committee determines that these facilities are compatible with the goals of the Wilderness Act.

Perhaps the most difficult problem we have been considering is the maximum campsite development allowed within wilderness. As you know, Mr. Chairman, we are experiencing heavy demands in the back country and we expect this demand to increase. If some minimum campsite development within wilderness areas were acceptable to the committee and the Congress, our park managers could allow greater numbers of people to use the back country, and at the same time continue to protect the resource. The maximum development we envision at any one site is a pit toilet, four fire rings, a manually operated water pump, and in some areas of extreme weather conditions, a three-sided lean-to-type shelter. In such a campsite, we would limit the number of people using it at any one time to 10.

Senator CHURCH. Mr. Secretary, I personally see nothing wrong in that arrangement as long as it represents the minimum necessary facilities. For example, a manually operated water pump, I would assume it would only go in in the case where the lack of water supply makes it necessary to install some kind of device of that kind.

Mr. REED. I understand, sir.

We propose to use natural materials for the construction of these facilities and make them as unobtrusive as possible. As I have said, this is the maximum development we anticipate at any one site; most areas would not have shelters or manually operated water pumps. In the proposals we are making today, we have placed these campsites in enclaves: however, we would have no objection to including them in wilderness if the committee finds them to be acceptable.

Mr. Chairman, these are all questions of serious concern to us and to the people in this country who are interested in wilderness. We raise them today before we discuss the individual national park wilderness proposals because they are germane to the dialogue that I am certain will take place as you consider these proposals, and the guidance provided by this committee in resolving these issues will be important in moving ahead rapidly to establish these wonderful and scenic wilderness areas.

Now I would like to briefly present each of the national park wilderness proposals.

ISLE ROYALE

Isle Royale National Park, situated in Lake Superior in northwestern Michigan, was established in 1940, to preserve a wild and beautiful 210 square mile roadless archipelago. The park comprises 539,338 acres, of which nearly four-fifths are submerged lands.

Isle Royale consists of a series of parallel ridges, often separated by swamps and lakes, and has numerous points, bays, and outlying small islands. It is typical north woods habitat and has a community of wolves and moose unique to the National Park System outside Alaska. The park's primary access points and visitor use areas

are located at Rock Harbor and Washington Harbor. Some 17,000 people visit the park annually.

In 1967, the National Park Service developed a preliminary wilderness proposal for the park comprising 119,612 acres. At the public hearings 80 organizations and individuals supported that proposal while 513 advocated a larger wilderness area. After further study, the Park Service recommended a final wilderness proposal of 120,588 acres.

That study concluded that any eventual expansion of camping facilities should occur primarily in the vicinity of existing campgrounds. As a result, 1,245 acres were added to the wilderness proposal at Siskiwit Bay, where a new camping area had been planned, and a total of 698 acres were deleted from the proposal at Malone Bay and Chippewa Harbor Campgrounds.

In the 5 years since the public hearing it has become increasingly apparent that islands as ecologically fragile as these have a limited visitor capacity. At this time we really do not know how many people can be accommodated without permanently damaging the resource. I am asking the Park Service to undertake an immediate study to determine both the park's carrying capacity and the best means of managing people within it. In the meantime, I suggest that we would be wise to take a conservative approach to any further development.

On the Greenstone Ridge Trail, in particular, it appears that we may be reaching capacity. Here only minimum wilderness campsites should be permitted. If the committee should decide that such facilities are permissible in wilderness, no exclusions would be necessary. More sophisticated facilities for the benefit of those who are not hardy campers should be restricted to the east and west ends of the park. Exclusions from wilderness will be necessary for these areas, but the committee may want to review the need for the $\frac{1}{8}$-mile-wide buffer zones surrounding such development. Along the north and south coasts the wild beauty of the shorelines should be preserved and only minimum campsites seem necessary in such havens as Chippewa Harbor, Malone, Hay and Siskiwit Bays, Hugginin Cove, and Todd Harbor. In each of these, however, there are existing docks which are necessary for human safety in time of storm and which must be maintained.

It would appear, therefore that in these areas small exclusions will be necessary.

Two other areas I would like to point out to the committee are Passage Island, where all but the western extremity seems suitable for wilderness designation, and the 120-acre exclusion leading up to Mount Ojibway. The latter surrounds a powerline which the Park Service plans to place underground this summer. At that time the exclusion will become superfluous.

There are probably a dozen areas throughout the park which are not now proposed for wilderness designation but which may become suitable for such designation in the future. These are mostly small life lease tracts or commercial fisheries. Provision could be made in the act designating wilderness at Isle Royale for the inclusion of these areas when the present use is terminated and the manmade structures are removed.

Mr. Griswold will be at the map, and I am delighted to have with us four superintendents and chief rangers from the other areas.

Senator CHURCH. Mr. Secretary, did you hear Senator Hart's testimony this morning?

Mr. REED. Yes, sir.

Senator CHURCH. Do you oppose the inclusion of the islands he recommended?

Mr. REED. No, sir.

Senator CHURCH. The white areas on the map, are around the shoreline, the areas where the camping grounds are of a more elaborate character than the wilderness would permit; is that correct?

Mr. REED. Yes, sir.

Senator CHURCH. In the light of our new understanding, those areas are elaborate campgrounds that ought to be excluded.

Mr. REED. There is one up there that we still have a little discussion about, that looks like a fish hook, a little boggy ground.

Senator CHURCH. Mr. Secretary, would you do this, would you have your people prepare amendments to your proposal that will conform with the criteria we have been discussing, please, so we can have some guidance in revising these bills?

Mr. REED. Yes, sir, with the format you gave us this morning, we would be delighted.

Senator CHURCH. Thank you so much.

Mr. REED. Mr. Beattie, the superintendent is here, if you have any questions for him.

Senator CHURCH. I don't think I do. You made a very good statement for the case.

SEQUOIA/KINGS CANYON

Mr. REED. Located in east central California, Sequoia and Kings Canyon National Parks were established in 1890 and 1940, respectively. Containing a total of 847,193 acres, they share a common boundary for about 30 miles and are administered as a single unit of the National Park System. These parks are distinguished by the giant sequoia trees, which attain their greatest size and density here, and the Sierra Nevada Mountain range which rises to its loftiest altitudes within these parks. Nearly 2 million people visit these two parks annually, and in 1968 nearly 16,000 people used the back country trails.

A preliminary wilderness proposal of 740,165 acres, consisting of two units, was developed by the Park Service. Following public hearings held on this proposal, 8,541 acres were added, and 26,737 acres were deleted, resulting in a final wilderness recommendation of 721,970 acres.

The additions reflect certain extensions of the wilderness boundary closer to developed areas and the park boundary, and the inclusion of four recently acquired private inholdings out of the seven inholdings in the original proposal.

The deletions include a ⅛-mile buffer zone along the south and west park boundary, an overflow area from Mineral King, a 5,400 acre area to study for the development of overlooks and interpretive facilities near Giant Forest, and 30 some enclaves for snow gages

Mr. Chairman, at this point I would like to state that this wilderness proposal contains many of the philosophical dilemmas that I discussed earlier. There are clear examples here of the problems and the guidance of your committee would be most helpful.

The major deletion consists of 12,500 acres the Park Service found necessary to provide visitor use facilities for the thousands of skiers and hikers expected to overflow into the Sequoia National Park from the proposed Mineral King development on national forest lands. Recent statements by the Forest Service and the Mineral King developer indicate that their proposal may be altered to include a different method of access among other things. There is also the possibility that continued court action might change or halt the Mineral King development.

Because of this uncertainty, the committee might want to consider this particular park area as a conditional addition to the wilderness proposal, in the event that development did not take place.

The location of a ⅛-mile-wide management or buffer zone on the south and west park boundaries where the park is not adjacent to existing wilderness areas resulted in a deletion of 6,610 acres.

Senator CHURCH. What is the reason for that?

Mr. REED. The superintendent is here, Mr. John McLaughlin.

Mr. MCLAUGHLIN. Mr. Chairman, there are uses adjacent to the park boundary, such as timber operations, heavy grazing, considerable amount of fire lane construction and that type of thing. For that reason, because of the need to get into the park boundary with equipment, sometimes because of the nature of the largeness of the trees and so forth, it was felt this would give us the latitude——

Senator CHURCH. You can control inside of the wilderness, you don't have to have a buffer zone.

Mr. REED. The Director made this decision on these buffer zones, thinking they would give him more flexibility of management and these were the orders given to the field study teams who have brought these in.

Senator CHURCH. I wish you would revise the bill and take all of those cheese holes out of it.

Mr. REED. In areas where adjacent national forest lands are being considered for wilderness status, this zone would not, ultimately, be needed. Consideration might be given to making these zones conditional additions to the wilderness area, to be included when adjacent lands become wilderness.

Similarly, the 6,700 acre Sugarloaf area, which was not included in the proposal because of a life tenure grazing permit, might be considered for conditional addition at the expiration of the permit. From my point of view, we see no reason for objecting to such conditional additions. This same situation would, of course, apply to the three remaining small inholdings and to the deleted corridor in the vicinity of Kluff Cave which provides access to one of these inholdings now used for grazing.

Senator CHURCH. On those inholdings, are they all on permit or lease?

Mr. REED. Fee simple.

Senator CHURCH. They don't have to be excluded from the wilderness, under the bill. You don't have to exclude those inholdings. What is this other place you are referring to?

Mr. REED. Grazing permit.

Senator CHURCH. The law says grazing can be permitted in a wilderness area. You don't have to exclude that. Then when the permit or the term ends, if you don't want to renew it you don't have to, and it reverts to wilderness without grazing, but the grazing, doesn't —unless there is some other reason for excluding that area, the grazing alone is not a reason for not including it in the wilderness.

Mr. REED. The problem was the Director felt strongly there were no special provisions for grazing permits written into the original act.

The act does have the special provision which deals with grazing on national forest land. There has been disagreement as to whether grazing is permitted on National Park Service lands.

Senator CHURCH. I think the chapter and verse I cited in the legislative history, in the Congressional Record, ought to clear up that point.

Mr. REED. It does for me, sir.

Upon acquisition, these inholdings would qualify for wilderness status. Turning from the concept of conditional additions to the problems of enclaves for various purposes, there are 22 enclaves deleted from this wilderness proposal for hydrologic data measuring facilities—snow gauges. This is a clear example of the situation I pointed out at the beginning of my testimony, Mr. Chairman, and if the committee sees fit to allow these to remain without enclaves, in light of our earlier discussion, we would have no objection.

There are also eight visitor service enclaves in the back country. Three of these are patrol cabins or huts, one of them is a concessionaire run camp ground with tent platforms and food service, and four of them are proposed for the development of sanitary facilities and camp sites, fire rings, tables, and so forth.

Here, in Sequoia/Kings Canyon this is a problem of major proportions. The fragile alpine back country's appeal to back packers —and the number of people available—have created this visitor-use problem. After struggling with this problem, the Park Service has come to the conclusion that basic to the successful management of the back country will be the channeling of visitors to strategically located visitor service enclaves, containing camping facilities, which can be closely controlled and effectively maintained to withstand concentrated use and provide adequate water supplies and waste disposal.

The superintendent of Kings Canyon tells me that, in order to meet our management responsibility for the resources and the people, he sees no other alternatives.

Here again, as I pointed out before, the carrying capacity of the wilderness and the management techniques for not exceeding it are critical and a great deal of effort must be spent on them.

Senator CHURCH. That particular campground with the platforms and so forth clearly is a nonconforming use, much more elaborate that the wilderness will permit. Do you feel you must maintain that for park purposes?

Mr. REED. Yes; we do. It is on an important trail between giant forest and cedar grove.

Senator CHURCH. Then it would be necessary in that case to establish an enclave because that would be a nonconforming use in that particular area.

I have no other questions on that.

Mr. REED. I have to go back——

Senator CHURCH. I would appreciate an amended version in the bill.

Mr. REED. Mr. Chairman, can I go back to patrol cabins or huts. I heard you indicate this morning that patrol cabins and huts which were simple and used for line business could in your opinion, stand the test of being included in the wilderness area, where necessary and minimum.

Senator CHURCH. That is right. Lean-too shelters and that kind of thing that are necessary.

Mr. REED. Where we have tent platforms and food service, that would be an exclusion.

Senator CHURCH. Yes; that obviously is the kind of development that would be a nonconforming use.

Mr. REED. All right. We will go over the North Cascades now.

NORTH CASCADES

The North Cascades complex, located in northwestern Washington, consists of North Cascades National Park and Ross Lake and Lake Chelan National Recreation Areas. Established in 1968, the complex encompasses 674,000 acres, of which the park comprises 505,000 acres.

The North Cascades National Park is an awesome region of sharply eroded mountains containing one-third of the glaciers of the 48 contiguous States. Ross Lake and Lake Chelan National Recreation Areas contain, respectively, impounded reaches of the Skagit and Stehekin Rivers, which drain most of the highest parkland. In 1971, more than 200,000 people visited this outstanding complex.

A preliminary proposal, developed in 1970, described three areas totaling 514,000 acres as suitable for wilderness designation, as shown on the display map exhibit B. Following public hearings and restudy of the master plan for the complex, 1,940 acres were added to and 60 acres deleted from the proposal, resulting in a final recommended wilderness of 515,880 acres.

In unit 1 the corridor for the proposed Price Lake tramway was added to the recommended wilderness, as were the enclaves for the four proposed hostels. Small enclaves were retained at three of these locations to permit the continued use of trail shelters. As I stated in my opening remarks, these enclaves would be recommended for wilderness designation if the committee finds our description of a wilderness campsite acceptable.

A corridor in the Arctic Creek area is provided as an alternate site for a tramway.

In unit 2, east of Ross Lake, the master plan now shows a deletion for an enclave for a hostel. In unit 3, south of the North Cross State Highway, a similar deletion has been made to provide for a pro-

posed hostel on the Pacific Crest Trail. These two enclaves will provide hostel-type facilities linking the adjacent developed areas.

Senator CHURCH. Will you tell me what these hostels will be?

Mr. REED. Minimum service facility either a tent or simple structure, where an individual can stay overnight and a hot meal and a bedroom would be provided. It would be about the same type of facility as the one in Sequoia.

Senator CHURCH. There would be food provided.

Mr. REED. Yes.

Senator CHURCH. It would be a nonconforming use.

Mr. REED. Yes.

We have also included the 16,000-acre corridor previously proposed for the Colonial Peak Tramway in unit 3 of the wilderness area.

Senator CHURCH. You say the tramway is built.

Mr. REED. There will be a tramway built.

Senator CHURCH. It is a nonconforming use as far as wilderness is concerned.

Mr. REED. We have now narrowed it to 2 of those.

Senator CHURCH. Can't you write this bill in such a way that the one you choose will be excluded from the bill, one you choose and don't build anything on, will become a part of it and you don't have to come back again?

Mr. REED. Absolutely, sir.

Two additional areas not proposed for inclusion in the wilderness area are the Beaver Creek and Thunder Creek Valleys. These vallys have been excluded solely because they may be altered by future hydroelectric development. The Federal Power Commission is considering an application for increasing the height of Ross Dam by 125 feet which, if built, would flood the 6 miles of Beaver Creek Valley now excluded from wilderness. An application for a license to construct a dam on the upper part of Thunder Creek which, if built, would divert 90 percent of the water from Thunder Creek through a tunnel under Ruby Mountain to Ross Lake makes this area unavailable for consideration for wilderness designation at this time.

Should these licenses be denied, there areas would qualify for wilderness designation and would make valuable additions to it. We would have no objections to the committee considering inclusion of these areas in the wilderness contingent upon the denial of these licenses.

SHENANDOAH

Extending 90 miles along the crest of the Blue Ridge in Virginia, Shenandoah National Park hosts approximately 2½ million visitors each year. Established in 1935, the park now encompasses 193,533 acres.

Its primary resources are scenic forested mountains, animal life, and human history involving mountain people, the Nation's westward movement, and the Civil War. The park's 105 mile segment of the Skyline Drive is a major visitor attraction.

The preliminary wilderness proposal presented at public hearings in 1967 consisted of about 61,940 acres. The National Park Service

thereafter restudied its proposal and in 1971 recommended that 73,280 acres be designated as wilderness.

In the course of this restudy it was concluded that several developed campsites receiving concentrated overnight use could not be properly maintained if included in wilderness. Six such sites were deleted from the preliminary proposal. In addition two deletions were made to exclude portions of utility lines found within the preliminary wilderness boundaries because of inaccurate mapping. Two other deletions were made to provide access corridors for service of a radio transmitter and transporting of cattle across the park.

The restudy further indicated the desirability of extending the wilderness boundaries to include more of the lower slopes of the Blue Ridge. 5,785 acres were added to unit 1 and 3,489 acres to unit 7. An addition of 768 acres to unit 3 was enabled by a decision not to provide a proposed campground at that location.

Superintendent Hoskins is here if you have any questions, Mr. Chairman?

Senator CHURCH. I have one question on the yellow part of the map. I see a yellow part that the Wilderness proposal again doesn't cover. Would you explain that to me?

Mr. HOSKINS. We have two shelters there, one of them Senator Byrd donated to the park and the other is the Old Rag shelter.

In order to maintain these, which get probably more use than any other shelters in the park, we must have access to them.

One, we have to have access from the east, and the other from the north.

Senator CHURCH. By road.

Mr. HOSKINS. Yes.

Senator CHURCH. That is surely a nonconforming use. In other ways does this proposal conform to the criteria we have been discussing.

Mr. REED. We have one enclave marked C, sir.

Mr. HOSKINS. We moved 450 families from Shenandoah National Park, and that is the location of the only remaining cabin. They rennovated the area and they have a revocable permit to use it.

I judge from your discussion this morning, that it can be regarded as a shelter rather than a cabin, because that is actually what it is used for.

Senator CHURCH. What about the Hoover Camp, where is that located?

Mr. HOSKINS. Outside of the wilderness area.

Senator CHURCH. What about the other facility; I have used both of them.

Mr. HOSKINS. White-Oak.

Senator CHURCH. White-Oak.

Mr. HOSKINS. And that is excluded too, sir.

Senator CHURCH. Is that the whole park?

Mr. HOSKINS. This is Waynesboro and Front Royal.

Mr. REED. Would you point out the area where the stock driveway use is? I will let the Superintendent explain it.

Mr. HOSKINS. When the park was acquired it separated people living on its west side from their land located on the other side, and

we have permitted them through the years to drive the cattle across the park at that location.

It has not caused us any administrative trouble. Otherwise in order to take care of their stock, they would have to drive 120 miles, whereas they can drive 25 and do the same, take care of the stock under this permit they are using.

Mr. REED. That, I would presume, would be allowed under the grazing explanation and can be removed——

Senator CHURCH. Right.

I think so. It is only a temporary transfer.

Mr. HOSKINS. Trucks are used. They are driven in trucks.

Senator CHURCH. Then that is not conforming.

Mr. REED. But it is only used for that single purpose, Mr. Chairman.

The only time it is used is to drive the stock and that is the only time the road comes into use.

Sir, I didn't get your permission this morning, verbally, to continue on with Cedar Breaks. May I do so?

Senator CHURCH. Certainly.

Mr. REED. Located in southwestern Utah, Cedar Breaks National Monument was established by Presidential proclamation in 1933. It now comprises 6,154 acres.

The monument was established to preserve a gigantic multicolored natural amphitheater within which limestone has been eroded into fantastic shapes. Over 300,000 people now visit there each year. Facilities for their use are concentrated along the scenic rim drive extending the length of the monument.

In 1967 a public hearing was held concerning the preliminary proposal to designate 4,600 acres as wilderness. It was there suggested that the wilderness be enlarged by adding the strip of land between the rim of the "breaks" and the monument road. However, that strip of land is highly developed for visitor use and receives concentrated sightseeing use by most visitors.

After further consideration of management needs it has been decided that the management zone adjacent to the north, west, and south monument boundaries be widened from 1/16 mile to 1/8 mile. This management zone is necessary to provide sufficient space for activities which may be necessary to protect the monument from external influences. This adjustment results in a final recommended wilderness of 4,370 acres.

We have Mr. Ehorn, area manager.

Senator CHURCH. The yellow part around there is another one of these buffer zones: is that correct?

Mr. REED. I seem to have lost the last paragraph, Mr. Chairman. I have lost one paragraph of what I was supposed to read. No, I didn't. That is right.

The management area designed in yellow was considered necessary from the management point of view, but—what were the reasons it was deleted?

Mr. EHORN. The management zone initially was one-sixteenth of a mile, and was changed to one-eighth.

Mr. REED. It was amended to go from one-sixteenth to one-eighth as a normal buffer zone around a wilderness area, Mr. Chairman.

Senator CHURCH. Why is the buffer zone needed, specifically, why is it needed?

Mr. EHORN. Mr. Chairman, that management zone was there in case we needed to go down and put up a fence because of grazing we have outside of the wilderness area.

Senator CHURCH. Couldn't you put up a fence on the boundary, without making a buffer zone.

What would prevent you from putting up a fence, why do you need a buffer zone?

Mr. REED. The superintendent is really not responsible for it. These were instructions that came from the Park Service.

Senator CHURCH. I see, the same thing.

Mr. REED. If this recommendation of yours, made this morning, stands, we are going to have to go back and examine Petrified Forest, and craters of the moon, where they have the same thing. And that, if I read you correctly, is no longer considered necessary.

Mr. Chairman, this Department has prepared wilderness recommendations for the former Arches and Capitol Reef National Monuments. Public Laws 92–155 and 92–207 recently abolished those monuments and established the Arches and Capitol Reef National Parks, respectively. Each of these parks is substantially larger than its predecessor monument which were the units studied for wilderness suitability. Those acts provide that within 3 years of enactment the Secretary of the Interior shall make recommendations as to the suitability of any area within those parks for preservation as wilderness. Because this Department's wilderness recommendations for those former monuments will be the basis for any future wilderness designation in the parks, we believe that consideration of those recommendations is proper.

There is no controversy, over this, Mr. Chairman, as to whether you would wish to hear these or wish to have us——

Senator CHURCH. Mr. Secretary, since these are not in the bill before us, perhaps you can omit it, because of the lateness of the hour.

Mr. REED. Would it be the Chairman's wishes for us to go back and study these and come back at a future date?

Senator CHURCH. Would you do that? I want to thank you for your excellent testimony.

Mr. REED. I am particularly grateful for being here, Mr. Chairman, and I believe with the information we ascertained here today, we will have an easier time with the National Park Service proposals and those of the Bureau of Sport Fisheries and Wildlife.

Senator CHURCH. Ladies and gentlemen, we have a problem. We have many more witnesses still to hear from and some of them are from out of town and some of them are from Washington. I am going to try to accommodate the out-of-towners, and if time does not permit, and I can't accommodate Washington witnesses, I can ask them to come back at another time.

We will start with the next panel, Mr. Thomas, attorney, Kings River Water Association, California, and Mr. Robert E. Leake, Jr., Kings River Water Master, California.

still have the wilderness experience even if we see a plane, get a glimpse of a house. In fact, there is no point in North America today where we can get away from planes overhead.

In conclusion, we wish to emphasize that the amount of land in the east suitable for wilderness classification is severely limited. The little there is, is subject to intensive use and will be more intensively used as time goes on. The principle of allowing private capital to provide accommodations outside the parks so that people who wish to sightsee and drive may take advantage of the park on a day use basis is a sound one. Passage of S. 3541 will assure the protection of one of the few places in the eastern United States.

Not only will the many millions of people within a short drive of the park have the satisfaction of knowing they have an opportunity for a wilderness experience. The many thousands who are already using the wilderness areas—citizens close at hand and far away, visitors to the eastern United States from foreign lands can be assured for all time of genuine wilderness experience.

Thank you again for the opportunity to present our views.

We thank you very much.

Senator CHURCH. Thank you for your statement. I want to say while you are here, speaking of Shenandoah, that I am especially delighted to see this proposal for wilderness within Shenandoah National Park. As I said this morning, my family and I have often hiked out into the wilderness of Shenandoah—always a refreshing, uplifting experience of the very kind that we wanted to foster by protecting wilderness areas.

Now, in particular, I want to commend the National Park Service for recognition that this land, though once abused by various disturbances decades ago, has recovered under the natural restorative powers of natural forces, to the point where it, indeed, in the language of section 2(c) of the Wilderness Act "generally appears to have been affected primarily by the forces of nature, with the impact of man's work substantially unnoticeable."

This is one of the great promises of the Wilderness Act, that we can dedicate formerly abused areas where the primeval scene can be restored by natural forces, so that we can have a truly National Wilderness Preservation System. I have heard it said by some who are simply ill-informed that no areas in the Eastern United States can meet the test of qualification under the definition of wilderness in the Wilderness Act. That is just not so. Indeed, we placed three national forest wilderness units into the National Wilderness Preservation System in the 1964 act, all of which lies in the East, all of which had a former history of some land abuse. This was not—I repeat categorically—this was not merely a grandfathering arrangement. It was, and is, a standing and intentional precedent to encourage such areas to be found and designated under the act in other eastern locations.

Subsequently, in the passage of a number of individual wilderness areas in national wildlife refuges in the East, we have this same precedent the 25,000 acre Seney National Wildlife Refuge in northern Michigan, the Moosehorn National Wildlife Refuge in Maine, and others, all have been designated under the same Wilderness Act.

There are other areas in the eastern national forests which will certainly be found to be suitable, if the Forest Service will approach its task and obligations in a reasonable and responsive manner. In this way, we can have a truly national system of representative areas, without in anyway denegrating the high standards of the overall system—and I agree with Senator Allott that we would never want to do that.

I say this as a westerner who loves this eastern country and finds much beauty in the Appalachian Mountains, in fact we keep a little cabin in the Appalachian's.

It is a quarter to 6 and this hearing is adjourned.

(Whereupon, at 5:45 p.m., the hearing was adjourned.)